



voorts
juridische diensten

Vulnerable Adults in Europe

European added value of an EU legal instrument

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The context

Ageing
populatio
n

Increasing
mobility



EU Added Value Report

1. Introduction
2. Current Framework
3. Hague Adult Protection Convention 2000
4. Legislative Basis for EU Action
5. Conclusions

The problem



- Irishman living in Greece
- Owns property in Ireland
- Son to manage property
- Greek power of attorney
- Is this valid in Ireland?



Current Actors



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Current Framework

- ✓ **Various** applicable instruments
- ✓ **Limited** number of ratifications
- ✓ **Only** one specific instrument
- ✓ **Complex** interaction

Hague Convention 2000

- ✓ Definitions
- ✓ Scope of the instrument
- ✓ International jurisdiction
- ✓ Applicable law
- ✓ Recognition and enforcement
- ✓ Administrative Co-operation

Problems identified

- ✓ Two types
 - Temporary issues
 - Permanent issues

- ✓ Major permanent issues
 - Types of vulnerability covered
 - Types of measures covered
 - Grounds for recognition/enforcement
 - Optional certificate

Possible EU Action

- ✓ Institutional Framework
- ✓ Legislative basis
- ✓ Issue of subsidiarity
- ✓ Policy options
- ✓ Methods of enactment

Conclusions

- ✓ Few ratifications of HAP 2000
- ✓ Some problems will remain after ratification
- ✓ Added value of EU action
- ✓ Legislative basis present
 - ✓ Art. 81(2)(a), (c), (e) and (f) TFEU
 - ✓ Regulation is best option
 - ✓ Awareness drawn to method of enactment
 - ✓ Most added value in standard EU-wide power of attorney